

REMARKS

Status of the Claims

Claims 1-11 and 19-24 were pending in this application. Claims 1-11, 19-22 and 24 were allowed, and claim 23 was rejected. By virtue of this response, claim 23 is amended. Accordingly, claims 1-11 and 19-24 are now under consideration.

Support for amended claim 23 can be found throughout the original application. Claim 23 was amended to clarify the claim according to the Examiner's suggestion. No new matter has been added and entry of the amendment is respectfully requested.

The amendment is made solely to promote prosecution without prejudice or disclaimer of any previously claimed subject matter. With respect to all amended and previously cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Applicants have carefully considered the points raised in the Office Action and believe that the Examiner's concerns have been addressed as described herein, thereby placing this case into condition for allowance.

Information Disclosure Statement

Applicants appreciate the Office's acknowledgement and consideration of the Information Disclosure Statement filed on October 12, 2007.

Withdrawn Rejections

Applicants appreciate the withdrawal of the rejections of claims 1-11 and 13-24 under 35 U.S.C. § 112 as being indefinite, the rejection of claim 5 under 35 U.S.C. § 112 for lacking

antecedent basis, and the rejection claims 13-18 under 35 U.S.C. § 112, first paragraph for lack of enablement.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 23 was rejected under 35 U.S.C §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that “the term “further comprises” found in the variable R1 and the phrase “having the structure” renders the compound of formula II indefinite as the term “further comprises” can be considered open-ended language when not clearly defined and therefore is including additional subject matter in the compounds of the formula II that is not described in the instant specification and is not particularly pointed out or distinctly claimed.” (OA at page 3). Applicants traverse this rejection.

Applicants submit that in light of the specification, one of ordinary skill would understand the metes and bounds of the claims. Specifically, one of ordinary skill would not read the claim to be open-ended. However, without acquiescing to the rejection, and solely to advance prosecution, Applicants have amended claim 23 to recite “is further selected from” in accordance with the Examiner’s suggestion. Applicants were unable to find the objectionable language “having the structure,” and request that that Examiner contact the undersigned by telephone if there are any further questions regarding the definiteness of the claims. In view of the amendments, Applicants submit that the indefiniteness rejection should be withdrawn.

CONCLUSIONS

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 613242000800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 14, 2008

Respectfully submitted,

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